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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,657	01/08/2002	Jeff Skillern	SKIL-001CON	6012

29698 7590 01/30/2007  
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EXAMINER

CRONIN, STEPHEN K

ART UNIT

PAPER NUMBER

3747

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/043,657

Applicant(s)

SKILLERN, JEFF

Examiner

Stephen K. Cronin

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13, 15-22, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 15-22, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 5, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 15-17, 19-21, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer et al. 4,526,298 in view of Padamsee 5,398,848.

Boxer teaches a portable liquid dispenser comprising a harness 12, with straps 14, 16, a housing portion 42, 44, 46, a thermal insulation 80, an inner sleeve 82, and outer sleeve 84 all joined together (see figure 7), a conduit 48, and a valve 54. The difference between applicants invention and the invention of Boxer is that Boxer teaches using insulation to keep a previously cooled liquid cool in stead of using a thermal capacitance medium to further cool the dispensed liquid. Padamsee teaches a

similar portable liquid container comprising an inner sleeve 18 for containing a liquid and an outer sleeve 66. A thermal capacitance medium 60 is contained between the two sleeves to help keep the dispensed liquid cool. To modify the dispenser of Boxer by replacing insulation with a thermal capacitance medium in the manner as taught by Padamsee would have been obvious to obtain the benefit of further cooling the dispensed liquid.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer et al. 4,526,298 in view of Padamsee 5,398,848 as applied to claims 13, 15-17 and 19-21, 27 and 28 above, and further in view of Van Turnhout 6,044,201.

Boxer as modified above teaches the claimed invention except that the gel thermal capacitance medium is taught as a cooling medium only and not as a cooling and heating medium. Van Turnhout discloses a container with a gel thermal medium which is disclosed as capable of being heated or cooled. It would have been obvious to one of ordinary skill in the art to replace the gel of Motsenbocker with the gel taught by Van Turnhout since both are directed to gels providing a cooling medium and further to obtain the benefit of the gel being used as a heating medium.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer et al. 4,526,298 in view of Padamsee 5,398,848 as applied to claims 13, 15-17 and 19-21, 27 and 28 above, and further in view of Motsenbocker 4,420,097.

To provide the conduit of Boxer with a bite valve in the manner as taught by Motsenbocker is old and well known to one of ordinary skill in the art and would have been an obvious substitution of art equivalent means for dispensing.

***Response to Arguments***

6. Applicant's arguments with respect to claims 13, 15-22, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

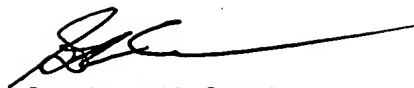
7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Stephen K. Cronin at telephone number 571-272-4536.

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Art Unit: 3747

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A handwritten signature in black ink, appearing to read 'SKC', with a long horizontal line extending to the right.

Stephen K. Cronin  
SPE  
Art Unit 3747